

ZONING BOARD OF APPEALS
Tuesday May 17, 2011
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members:

Alicia Neubauer
Dan Roszkowski
Craig Sockwell
Julio Salgado
Aaron Magdziarz

Absent:

Scott Sanders
Dennis Olson

Staff:

Jennifer Cacciapaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Marcy Leach – Public Works
Matt Knott - Fire

Others:

Kathy Berg, Stenographer
Applicants and Interested Parties

Jessica Roberts explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representatives are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any supporters and then objectors. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Tuesday May 31st, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and that the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting is listed on the agenda as well.

The meeting was called to order at 6:34 P.M. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the April 19, 2011 meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

ZBA 004-11

Applicant
Ward 01

2601 North Mulford Road

Ross Beyer Kroger Limited Partnership I

Special Use Permit for a fuel center within the Brynwood Square Shopping Center in a C-2, Limited Commercial District.

The applicant is requesting a Special Use Permit for a fuel center within the Brynwood Square Shopping Center in a C-2, Limited Commercial District. The subject property is located on the southeast corner of Brynwood Drive and North Mulford Road. Bruce Ross-Shannon, Ross Beyer and Jamie Diercks were present to represent the applicant for 2601 North Mulford Road.

Attorney Bruce Ross-Shannon stated that they were seeking a fuel station application and he presented a rendering of a store in Plainfield, Indiana and stated that the rendering shows brick on the Kiosk and the pillars, two other site plans were also presented, the current and the proposed landscaping. He stated that the applicant is looking to add a fuel center because it will be a convenience to their customers. He added that the fuel center will have four bays, the architectural plans have been upgraded to brick that will match or complement the existing center, lighting will be flush with the canopy. The color was submitted as red and white, he stated that they now will be more of an earth tone. He added that the last item that was an issue was the landscaping and he stated that the plan will be upgraded to increase the landscaping. He stated that it is not fully in compliance with the zoning ordinance, however it is working toward compliance the best way possible, he added that the special use application would allow for this deviation.

Todd Cagnoni stated that the item was laid over last month as a result of working through the landscaping issues; he added that the applicant and staff have been trying to come to agreement on what is the appropriate amount of landscaping to come with the fuel station, full compliance would be overly burdensome. He added that the agreed upon plan with modification in two areas would be acceptable including making a new island south of the fuel center, by combing two islands and to add one interior island in middle of Highlander store parking area.

Ross Beyer added that they would like the ability to have the fuel station to operate 24 hours a day; the plans would meet with all regulations. He added that fuel sales are limited after a certain time and smoke detectors are required above every dispenser when unattended.

Dan Roszkowski asked if there will be someone at the station during the day.

The answer was yes. Attorney Bruce Ross-Shannon also added that he talked to neighboring properties and they are in support of the application.

Craig Sockwell asked for clarity on condition number 7.

Ross Beyer stated that the clause of not transferability is in their lease and if they stop operating they will have to remove the station.

Todd Cagnoni stated that is correct and he added that this is an approach we are trying to take city wide, he stated that in the past a number of fuel stations have been abandoned and we want to make sure that stations in the future are not left inappropriately.

Alicia Neubauer asked when the Shell Gas stations have come before the committee what the reductions in landscaping were.

Dan Roszkowski stated that he did not recall.

Todd Cagnoni stated that at the time, that gas station was a performance review. The applicant was then required to apply for a special use because they didn't meet requirements for landscaping buffer, the case was denied or applicant withdrew he is not sure, but the owner went back and redesigned the site for the buffer and then it was a permitted use. He added that there are two examples he can think of that required similar landscaping upgrades as this application. The Subway on East State Street is an example in which our approach was landscaping surrounding the building and interior landscaping added on the larger property. The Guitar Center on East State Street was another example where they

added landscaping as well as some interior islands, the landscaping in both examples is most likely less than what is proposed for the present application.

Craig Sockwell stated that he cannot support the request he added that he thinks it is too tight and the traffic will not flow well.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the request for a Special Use Permit for a fuel center within the Brynwood Square Shopping Center in a C-2, Limited Commercial District. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 4-1, Craig Sockwell voted nay, subject to the Findings of Fact and the following conditions.

1. Meeting all applicable building and fire codes.
2. Landscaping shall be installed in accordance with the revised landscaping plan labeled Exhibit F with the exception of the landscaping buffer along the East and South property line.
3. Submittal of a revised elevation plan for the gas canopy, support structures for canopy and kiosk for staff's review and approval. The design shall include brick that matches the shopping center of the kiosk and support structures of canopy.
4. Compliance of lighting from kiosk, signage, and gas canopy.
5. Removal of the existing ATM machine and drive thru.
6. That the hours of operation for the fuel station shall be limited from 6 a.m. to 11 p.m.
7. Should the Kroger grocery store discontinue operation within the shopping center that the gas station, canopy, fuel tanks and other improvements associated with the fuel center shall be removed in accordance with applicable state, federal and local regulations. This responsibility may not be assigned to other parties.

ZBA 015-11

1000 9th Street

Applicant
Ward 11

Ryan Cole

A **Special Use Permit for a Planned Unit Development** consisting of a limited industrial (kitchen cabinets) use, an office, and three (3) single-family apartments in an I-1, Light Industrial Zoning District.

The applicant is requesting a Special Use Permit for a Planned Unit Development consisting of a limited industrial (kitchen cabinets) use, an office, and three (3) single-family apartments in an I-1, Light Industrial Zoning District. The subject property is located approximately 80 feet north of the 9th Street and 10th Avenue intersection.

Ryan Cole, on behalf of the application, stated that he is the manager of 1000 9th Street and he added that the property has been used as light industrial, office space, and residential. He added that they are looking to bring the property up to compliance and therefore are requesting the Planned Development.

Alicia Neubauer asked if there were any changes that were going to be made to the property or if they just wanted to bring it into compliance.

Ryan Cole stated that there will be minor building code changes to bring the structure up to code but the uses will stay the same.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the request for a Special Use Permit for a Planned Unit Development consisting of a limited industrial (kitchen cabinets) use, an office, and three (3) single-family apartments in an I-1, Light Industrial Zoning District. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 4-0, with Craig Sockwell abstaining subject to the Findings of Fact and the following conditions.

1. Meeting all applicable fire and building codes specifically, documentation from a licensed design professional (Architect), licensed in the State of Illinois indicating the current construction does not violate any building code requirements in regard to the change of use to an assembly use.
2. Submittal of a Building permit for Staff review and approval.

ZBA 016-11

7151 Walton Street

Applicant
Ward 01

Amy Gilliam (Sams Club)

A **Variation** to build a pylon sign, a Variation to increase the sign height from the maximum 8' to 20' and a Variation to increase the maximum square footage allowed to 160 square feet per site sign in a C-3, Commercial General District.

The applicant is requesting a Variation to build a pylon sign, a Variation to increase the sign height from the maximum 8' to 20' and a Variation to increase the maximum square footage allowed to 160 square feet per site sign in a C-3, Commercial General District. The subject property is located on the south side of Walton Street and approximately 220 feet east of S. Perryville Road.

Amy Gilliam, the representative of Sam's Club stated that they are remodeling Sams Club and currently there is existing pylon signs that have rust and they would like to replace with new signs to match the existing. She stated that they are asking for a variance to increase height and the allowed size. She added that they are replacing exactly what is there.

Todd Cagnoni stated that they are actually reducing the signs in height.

Dan Roszkowski stated that under the old ordinance these signs were allowed at 30 feet.

Alicia Neubauer stated that now the requirement is 8 feet.

Todd Cagnoni stated that as a shopping center, they are allowed to have up to 20 feet in height.

Amy Gilliam also stated that they proposed additional new landscaping to bring that aspect up to code.

Dan Roszkowski asked if the staff is recommending denial because it does not comply with ordinance.

Todd Cagnoni stated that we have not had many deviations from our code, and there are some benefits to reducing the height.

Dan Roszkowski stated that he believes people are aware of the location of the store at this time.

Alicia Neubauer stated that the existing wall signage on the building is identifying as well.

A **MOTION** was made by Alicia Neubauer to **DENY** the request for a Variation to build a pylon sign, a Variation to increase the sign height from the maximum 8'to 20' and a Variation to increase the maximum square footage allowed to 160 square feet per site sign in a C-3, Commercial General District. The Motion was **SECONDED** by Aaron Magdziarz **CARRIED** by a vote of 5-0 subject to the Findings of Fact.

With no further business to come before the Board, A **MOTION** was made by Aaron Magdziarz to adjourn the meeting. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0. The meeting was adjourned at 7:01 p.m.

Respectfully Submitted
Jessica Roberts, Planner II
Zoning Board of Appeals